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Paper No. 6

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APR 08 2002

OFFICE OF PETITIONS

In re Application of :
Bock et al. :
Application No. 09/877,340 : DECISION GRANTING PETITION
Filed: 8 June, 2001 :
Atty's Docket No. 4420.000600 :

This is a decision on the petition filed on 16 January, 2002 (certificate of mailing date 1 November, 2001), requesting that the above-identified application, including one (1) sheet of drawings containing Figure 9, be accorded a filing date of 8 June, 2001.

On 8 June, 2001, the application was filed.

On 2 July, 2001, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application stating that the application had been accorded a filing date of 6 June, 2001, but that, *inter alia*, Figure 9 described in the specification appeared to have been omitted.

In response, on 16 January, 2002 (certificate of mailing date 1 November, 2001), one (1) sheet of drawings containing Figure 9 and the present petition were submitted. Petitioners assert that Figure 9 was filed with the other application papers on 8 June, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied on 16 January, 2002. The postcard receipt shows an Office date stamp of 8 June, 2001, with the above-identified application number, and identifies the application by attorney docket number, first named inventor's name, and invention title, and acknowledges receipt, *inter alia*, of 10 sheets of drawings. Petitioners request that the application, including the drawings containing Figure 9, be accorded a filing date of 8 June, 2001.

A review of the record reveals that nine (9) sheets of drawings, containing Figures 1-8 and 10 are located among the application papers deposited on 8 June, 2001. However, the evidence is convincing that the application papers deposited on 8 June, 2001, included 10 sheets of drawings and that the sheet of drawings containing Figure 9 was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawing containing Figure 9 as described in the specification, is entitled to a filing date of 8 June, 2001.

The "Notice" mailed on 2 July, 2001, is vacated to the extent that it states that Figure 9 appeared to have been omitted.

In view of the above, the petition is granted. The \$130.00 petition fee paid on 22 January, 2002, will be refunded to counsel's deposit account, No. 50-0786.

The application will be processed, using the application papers filed on 8 June, 2001, and the copy of Figure 9 of the drawings supplied on 16 January, 2002.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 8 June, 2001, using the application papers filed on 8 June, 2001, and the one (1) sheet of drawing containing Figure 9, supplied on 16 January, 2002, and for an indication on the bib-data sheet that 10 sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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